

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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|---------------------------------|---|----------------------------------|
| NETLIST, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 2:22-cv-203-JRG |
| |) | |
| MICRON TECHNOLOGY, INC.; MICRON |) | JURY TRIAL DEMANDED |
| SEMICONDUCTOR PRODUCTS, INC.; |) | |
| MICRON TECHNOLOGY TEXAS LLC, |) | |
| |) | |
| Defendants. |) | |
| |) | |

**DECLARATION OF JASON G. SHEASBY IN SUPPORT OF NETLIST INC.'S
OPPOSITION TO DEFENDANTS' MOTION TO SEVER AND STAY (Dkt. 28)**

I, Jason G. Sheasby, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist’s Opposition to Defendants’ Motion to Sever and Stay Patents (Dkt. 28). I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct copy of the Order re: Micron’s Motions to Stay from *Netlist, Inc. v. Micron Technology, Inc.*, Nos. 1:22-CV-134 and 1:22-CV-136 (W.D. Tex. May 11, 2022).

3. Attached as **Exhibit 2** is a true and correct copy of the District Court docket sheet for *Netlist, Inc. v. Micron Tech., Inc.*, No. 1:22-cv-136 (W.D. Tex., 2022), updated on September 26, 2022.

4. Attached as **Exhibit 3** is a true and correct copy of Micron’s Motion to Temporarily Lift the Stay and for Leave to File an Amended Answer, Affirmative Defenses, and Counterclaims from *Netlist, Inc. v. Micron Technology, Inc.*, No. 1:22-CV-136, Dkt. 72 (W.D. Tex. Sept. 2, 2022).

5. Attached as **Exhibit 4** is a true and correct copy of the Court’s Memorandum Opinion from *Samsung Electronics, Co., Ltd. v. Netlist, Inc.*, No. 21-cv-1453-RGA, Dkt. 37 (D. Del. Aug. 1, 2022).

6. Attached as **Exhibit 5** is a true and correct copy of a redacted version of Exhibit A to the 4-3 Joint Claim Construction and Prehearing Statement from *Netlist, Inc. v. Samsung Electronics, Co., Ltd.*, No. 2:21-CV-463-JRG, Dkt. 73 (E.D. Tex. Aug. 19, 2022).

7. Attached as **Exhibit 6** is a true and correct copy of Exhibit A to the Joint Claim Construction Statement filed in connection with *Netlist, Inc. v. Micron Technology, Inc.*, No. 1:22-CV-136 (W.D. Tex.) and *Netlist, Inc. v. Micron Technology, Inc.*, No. 1:22-CV-134 (W.D. Tex.).

8. Attached as **Exhibit 7** is a true and correct copy of a document titled “*DDR5 vs DDR4: Is It Time To Upgrade Your RAM?*” dated December 19, 2021, available at <https://www.tomshardware.com/features/ddr5-vs-ddr4-is-it-time-to-upgrade-your-ram>.

9. Attached as **Exhibit 8** is a true and correct copy of Netlist’s Complaint from *Netlist, Inc. v. Micron Technology, Inc.*, No. 1:22-cv-134, Dkt. 1 (W.D. Tex. Apr. 28, 2021).

10. Attached as **Exhibit 9** is a true and correct copy of the Petition for *Inter Partes* Review from IPR2022-00996.

11. Attached as **Exhibit 10** is a true and correct copy of U.S. Patent No. 10,860,506.

12. Attached as **Exhibit 11** is a true and correct copy of U.S. Patent No. 10,268,608.

13. Attached as **Exhibit 12** is a true and correct copy of U.S. Patent No. 9,824,035.

14. Attached as **Exhibit 13** is a true and correct copy of an excerpt from the file history of U.S. Patent No. 10,860,506.

15. Attached as **Exhibit 14** is a true and correct copy of Micron’s Answer from *Netlist, Inc. v. Micron Technology, Inc.*, No. 1:22-cv-136, Dkt. 19 (W.D. Tex. Aug. 20, 2021).

16. Attached as **Exhibit 15** is a true and correct copy of Micron’s Answer to Netlist’s Complaint from *Netlist, Inc. v. Micron Technology, Inc.*, No. 1:22-cv-134, Dkt. 20 (W.D. Tex. Aug. 20, 2021).

17. Attached as **Exhibit 16** is a redline comparison of excerpts of Micron's Answer to Netlist's Complaint in this instant Action (Dkt. 13) and Samsung's Answer to Netlist's Amended Complaint from *Netlist, Inc. v. Samsung Electronics, Co., Ltd.*, No. 2:21-CV-463-JRG, Dkt. 25 (E.D. Tex. May 18, 2022).

18. Attached as **Exhibit 17** is a true and correct copy of U.S. Patent No. 11,016,918.

19. Attached as **Exhibit 18** is a true and correct copy of U.S. Patent No. 11,232,054.

20. Attached as **Exhibit 19** is a true and correct copy of the Court's tentative schedule for this instant Action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 26, 2022, in Los Angeles, California.

By /s/ Jason G. Sheasby
Jason G. Sheasby